

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CHARLES SWIFT,

Plaintiff,

vs.

KYLER,

Defendant.

8:14CV243

ORDER

The plaintiff has filed a “Notice of Appeal” challenging my order dated March 9, 2015, along with a request to pursue that appeal in forma pauperis. (Filing No. 24). No case dispositive rulings were made in the order dated March 9, 2015. (Filing No. 20).

Therefore, liberally construing filing 24, the plaintiff has filed an objection to my ruling. That objection is subject to review by Judge Gerrard, the assigned district judge. As to this action pending before Judge Gerrard in the district court, the plaintiff has already been granted leave to proceed in forma pauperis and no further motion is needed. (Filing No. 3).

This case is at the early stages. The plaintiff’s summary judgment motion, (Filing No. 16), is not fully submitted and remains pending, and less than a week ago, the plaintiff filed an amended complaint naming two additional defendants, (Filing No. 23), who have not yet been served. The district court has not entered any final appealable judgment or orders. As such, to the extent that the plaintiff may be requesting leave to proceed in forma pauperis before the Eighth Circuit, the appeal is not taken in good faith. 28 U.S.C. § 1915(a)(3).

Accordingly,

IT IS ORDERED:

1) The plaintiff's notice of appeal shall be re-identified on the docket as an objection to the order entered on March 9, 2015. (Filing No. 20).

2) As to filing no. 25, the plaintiff's motion for leave to proceed in forma pauperis before the district court is denied as moot, and to proceed before the Circuit Court is denied pursuant to 28 U.S.C. § 1915(a)(3).

March 17, 2015.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge